



CITY OF COEUR D'ALENE

WASTEWATER UTILITY DEPARTMENT

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May 23, 2019

Gwen Franzen
Idaho Department of Environmental Quality
2110 N. Ironwood Parkway
Coeur d'Alene, ID 83814

Re: Section 401 Water Quality Certification for City of Coeur d'Alene NPDES Permit No. ID-002285-3

Dear Ms. Franzen:

Thank you for the opportunity to comment on the Department's draft 401 water quality certification for the draft NPDES permit for the City of Coeur d'Alene's wastewater facility.

The City has submitted extensive comments on the draft permit to EPA Region 10, which are submitted to DEQ with this letter. These comments also incorporate my January 11, 2007 letter to you. This letter constitutes the City's additional comments on the draft certification.

The compliance schedule in the certification is reasonable except for ammonia during July, August and September.

The City supports and concurs with many of the statements in the draft certification. The current wastewater treatment facility for Coeur d'Alene cannot consistently achieve the final effluent limitations for phosphorus, ammonia and CBOD5 proposed in the EPA draft permit. The City will need a reasonable amount of time to achieve the final effluent limits specified in Table 1 of the NPDES permit.

The City concurs with DEQ's requirement that, upon completion of the first permit cycle in five years, the milestones in the compliance schedule should be reviewed and refined in the next permit and certification to reflect the progress made at that time. In five years, the permittee may be ahead of the nine year compliance schedule or may need additional time to achieve the final permit limits.

The City also supports and concurs with DEQ's recognition that current technologies to achieve very low concentrations of phosphorus are not fully proven. We agree that expensive new technologies are emerging and that the picture may look very different five years from now.

The City shares DEQ's concerns that, because the stringent limits proposed in the draft permit are based on Washington water quality standards, this permit could be made less stringent and still comply with Idaho water quality standards if the limits were modified to reflect Idaho's

water quality standards. The permit limits and any long range compliance schedules may also be impacted by the Spokane River DO TMDL which has not yet been issued by the State of Washington or approved by EPA. The draft TMDL, which is the basis for the final limits for phosphorus, CBOD5 and ammonia in the draft permit, is accordingly subject to change. The City agrees with DEQ that a significant modification or delay in approval of this DO TMDL may require modifications to the compliance schedule in the City's NPDES permit. The City appreciates that DEQ will work closely with the City to make the necessary refinements when the Washington TMDL is issued while keeping the overall goal of meeting the final effluent limits as soon as possible. The City has requested that EPA revise the draft permit to make it clear that these limits may be revised based on the final TMDL adopted and approved in Washington.

The final certification should clarify that the minimum compliance schedule is for the full nine years, absent more information.

The City requests that the final certification make clear that the compliance schedule for the DO-related parameters should not be less than nine years absent additional information. As set forth in my letter of January 11, 2007, there will be substantial challenges in adopting unproven technologies to meet what will be among the most stringent phosphorus levels nationally for wastewater treatment plant in a NPDES permit. Given the uncertainties in this effort, DEQ should make it clear that any shorter compliance schedule at this time would be arbitrary and capricious and inconsistent with the state's water quality certification.

The certification should include a compliance schedule for final ammonia limits in July, August and September.

The City requests a compliance schedule for the draft permit proposed ammonia limits during the months of July, August and September. These limits are new limits established by EPA for the first time to comply with the new modeling to ensure that the City's discharge does not cause or contribute to nonattainment of downstream Washington water quality standards for DO. The final certification should include a nine year compliance for these ammonia limits to be consistent with the CBOD5 implementation and compliance schedule, which will be addressed by the same new treatment plant upgrades. Please also note that EPA failed to exclude the interim limits for pounds per day limits for ammonia contained in the DEQ draft certification for these months.

In its comment letter on the draft permit, the City alternatively requests that EPA revise the ammonia limits in the permit and the related CBOD5 limits based on new modeling conducted for the City by HDR to ensure that the discharge does not cause or contribute to nonattainment of Washington state DO standards. These limits will be new limits in the permit for the first time. The City in turn requests that DEQ provide a nine year compliance schedule for these limits. The City needs this time to plan for and install appropriate treatment technologies.

The final certification should address any modifications to the permit limits for silver and zinc, as well as any application of a waste load allocation in a metals TMDL for the Spokane River.

The City requested that EPA review more recent discharge data to derive effluent limitations for zinc and silver. This may result in new limits for zinc and silver that will be in the permit for the first time and may require a compliance schedule. The City requests that the final certification include a two year compliance schedule with any new effluent limitations for silver and zinc in the final permit.

The City also requested that EPA include a reopener provision in the permit to allow for new limits if a final approved Idaho TMDL is prepared for metals in the Spokane River that contain waste load allocations for metals. It is also possible that further metals studies conducted for the TMDL may demonstrate that the impacted water body segments are no longer water quality limited. If this occurs, then the limits should be removed and/or allowed a mixing zone. This 401 certification should recognize this potential allowance, as it may occur during the five year term of the permit.

The City appreciates DEQ's willingness to address our comments and concerns. We are committed to a process that will ensure the protection of Idaho water quality and comply with Clean Water Act requirements.

I am available to meet with DEQ staff to discuss these comments further and respond to any comments or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Sid Fredrickson". The signature is fluid and cursive, with a long horizontal stroke at the end.

H. Sid Fredrickson
Wastewater Superintendent

Cc: John Tindall, P.E., IDEQ
Brian Nickel, P.E., EPA
Roger Tinkey, DEQ